

**BEFORE THE INSURANCE COMMISSIONER FOR THE
STATE OF OKLAHOMA**

FILED

NOV 30 2023

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.* GLEN)
MULREADY, *Insurance Commissioner,*)
)
 Petitioner,)
)
vs.)
)
MULBERRY SHIELD, INC., *a licensed*)
nonresident service warranty association,)
)
 Respondent.)

Case No.: 23-0357-DIS

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

Petitioner, the State of Oklahoma, *ex rel.* Glen Mulready, Insurance Commissioner (“Commissioner”), for this action against Respondent Mulberry Shield, Inc. (“Respondent”), alleges and states as follows:

JURISDICTION

1. Glenn Mulready is the Insurance Commissioner of the State of Oklahoma and is charged with enforcing all provisions of the of the Oklahoma Service Warranty Act (the “Act”), Okla. Stat. tit. 15, §§ 141.1, *et seq. See*, 15 O.S. § 141.3; OAC § 365:1-1-3.

2. Respondent has applied for reinstatement of its Oklahoma nonresident service warranty association license No. 51482548, pursuant to the Act, OKLA. STAT. tit. 15, § 141.4.

RIGHT TO HEARING

3. Respondent may request that a hearing be held regarding the allegations asserted in this Conditional Order. OAC § 365:1-7-1(b).

4. A request for a hearing must be in writing, whether by mail or electronic mail, must state the specific grounds to be relied upon as a basis for setting aside or modifying this Conditional Order, and should be addressed to Seth D. Coldiron, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, or, electronically, seth.coldiron@oid.ok.gov. OAC § 365:1-7-1(a).

5. All hearings are open to the public, and Respondent has a right to appear in person and with counsel to present evidence, examine witnesses, and make oral arguments. 75 O.S. §§ 309(C) & 310(3) & (5); OAC § 365:1-7-4(a)-(b).

6. If a hearing is requested, a person affected thereby may, at his or her expense, request a stenographic record of the proceeding be made by a competent court reporter. 75 O.S. § 309(G); OAC § 365-1-7-5(a).

7. The proceedings shall be conducted in accordance with the Oklahoma Administrative Procedures Act, OKLA. Stat. tit. 75, §§ 250, *et seq.*, and the promulgated rules pertaining to the Administrative Operations of the Oklahoma Insurance Department, OKLA. ADMIN. CODE, §§ 365:1-7-1, *et seq.* 75 O.S. § 309 & 310; OAC §§ 365:1-7-1 – 365:1-7-9.

FINDINGS OF FACT

8. Respondent was formerly licensed in Oklahoma as a nonresident service warranty association with license No. 51482548, which expired on November 1, 2022.

9. Service warranty association licenses expire every November 1st and must be renewed annually. 15 O.S. § 141.8.

10. Respondent did not apply for renewal during 2022.

11. On March 7, 2023, Respondent submitted its renewal application to the Oklahoma Insurance Department's ("Department's") Regulated Industry Services Division ("RIS").

12. On August 8, 2023, Respondent submitted an Activity Attestation affirming that during the period in which its license was expired it had transacted business by soliciting, negotiating, or procuring service warranties in violation of OKLA. STAT. tit. 15, § 141.4(A).

13. From November 1, 2022, until April 25, 2023, Respondent solicited, negotiated, or procured six hundred and thirty-five (635) service warranties totaling of Thirty-nine Thousand Four Hundred Fifty-two Dollars and No Cents (\$39,452.00) while not licensed.

CONCLUSIONS OF LAW

14. Respondent violated the Act, OKLA. STAT. tit. 15, § 141.8, by failing to renew its nonresident service warranty association license No. 51482548 on or before November 1, 2022.

15. Respondent violated the Act, OKLA. STAT. tit. 15, § 141.4(A), by soliciting, negotiating, or procuring service warranties while unlicensed.

16. The Commissioner may suspend, revoke, refuse to license, or, alternatively, impose a fine of up to One Thousand Dollars (\$1,000.00) per violation if he finds that the association has violated any provisions of the Act. 15 O.S. § 141.12.

CONDITIONAL ORDER

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Commissioner that Respondent failed to renew its license in violation of the Act, OKLA. STAT. tit. 15, § 141.8, on or before November 1, 2022, and a **FINE** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** is, hereby, imposed.

IT IS ORDERED, ADJUDGED, AND DECREED by the Commissioner that Respondent transacted business while unlicensed in violation of the Act, OKLA. STAT. tit. 15, § 141.4(A), by soliciting, negotiating, or procuring service warranties while its license was expired and a **FINE** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** is, hereby, imposed.

IT IS ORDERED, ADJUDGED, AND DECREED by the Commissioner that the fines totaling **ONE THOUSAND DOLLARS (\$1,000.00)** imposed herein **SHALL BE PAID WITHIN THIRTY (30) DAYS** of the date of this Conditional Order. The fines shall be paid by money order or cashier's check made payable to the Oklahoma Insurance Department and mailed or delivered to the Oklahoma Insurance Department at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Insurance Commissioner will result in further administrative action.

IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED by the Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Findings of Fact set forth above **WITHIN THIRTY (30) DAYS** of the date of this Conditional Order, it and the penalties set forth above will become a Final Order on the thirty-first (31st) day from the date of mailing. If the Respondent timely requests a hearing, this Conditional Order shall serve as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order shall be withdrawn, pending final resolution at the hearing.

WITNESS my hand and official seal this 30th day of November 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

SETH D. COLDIRON (OBA No. 20041)

ASSISTANT GENERAL COUNSEL

400 NE 50th Street

Oklahoma City, Oklahoma 73105

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Facsimile: (405) 522-0125

Email: seth.coldiron@oid.ok.gov

*Attorney for Petitioner,
State of Okla., ex rel. Glen Mulready,
Ins. Comm'r*

CERTIFICATE OF MAILING

I, Seth D. Coldiron, hereby certify that a true and correct copy of the above and foregoing was mailed via **CERTIFIED MAIL**, return receipt requested, and **REGULAR MAIL**, postage prepaid, on November 30, 2023 to the following:

Via certified mail return receipt:

Copies delivered to:

MULBERRY SHIELD, INC.
Chinedu Eleanya, CEO
22 N. 6th Street, Apt. PH1E
Brooklyn, NY 11249

Regulated Industry Service Division

Certified Mail No.: **9589 0710 5270 0679 4501 03**

Via regular mail:

Year-to-Year Consulting, LLC
c/o Diann Pruitt, Mngr Licensing
1580 North Point Prairie Rd.
Wentzville, MO 63385

Mulberry Shield, Inc.
1833 S. Morgan Rd.
Oklahoma City, OK 73128

*Respondent,
Mulberry Shield, Inc., a licensed nonresident
service warranty association*



SETH D. COLDIRON
ASSISTANT GENERAL COUNSEL